

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

MARY JEANETTE SPEARMAN, ET AL.

**PLAINTIFF**

v.

**CIVIL ACTION**

**No. 1:15CV006-SA-SAA**

ELI LILLY AND COMPANY

**DEFENDANT**

**CASE MANAGEMENT ORDER**

This Order, including all deadlines, has been established with the participation of all parties and can be modified only by order of the Court on a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record.

**IT IS HEREBY ORDERED:**

**1. ESTIMATED DAYS OF TRIAL:** 5-10

**ESTIMATED TOTAL NUMBER OF WITNESSES:** 10-15

**EXPERT TESTIMONY EXPECTED:** Yes **NO. OF EXPERTS:** 4-6

Treating and other medical sources, including neurology and psychiatric experts, and perhaps an FDA expert.

**2. ALTERNATIVE DISPUTE RESOLUTION [ADR].**

At the time this Case Management Order is offered it does not appear that alternative dispute resolution techniques will be used in this civil action.

Additional Information: The parties have engaged in mediation and other settlement discussions in related lawsuits filed across the country, and at this point do not believe that additional ADR in this lawsuit is likely to be productive.

**3. CONSENT TO TRIAL BY UNITED STATES MAGISTRATE JUDGE.**

The parties do not consent to trial by a United States Magistrate Judge.

**4. DISCLOSURE.**

The pre-discovery disclosure requirements of Fed.R.Civ.P.26(a)(1) and U.L.Civ.R. 16(d) and 26(a) have been complied with fully.

**5. MOTIONS; ISSUE BIFURCATION.**

Staged resolution, or bifurcation of the issues for trial in accordance with FED. R. CIV. P. 42(b) will assist in the prompt resolution of this action. Accordingly, the Court orders that:

If the claim for punitive damages remains viable at trial, it may be bifurcated.

Statement Not Applicable.

**6. DISCOVERY PROVISIONS AND LIMITATIONS.**

- A. Interrogatories are limited to 25 succinct questions.
- B. Requests for Production are limited to 20 succinct questions.
- C. Requests for Admissions are limited to 25 succinct questions.
- D. Depositions are limited to the parties, experts, and no more than 10 fact witness depositions per party without additional approval of the Court.

- E.** The parties have complied with the requirements of Local Rule 26(e)(2)(B) regarding discovery of electronically stored information and have concluded as follows [The parties MUST state whether or not there is ESI and, if so, how they propose to address it]:

There is ESI in this litigation, and the parties have conferred as required by Local Rule 26(e)(2)(B). The parties are in agreement that they have addressed ESI issues extensively in other related cases pending across the country, and do not anticipate any disagreement regarding the eleven categories specified by Rule 26(e)(2)(B). In particular, Defendant Eli Lilly and Company has already issued litigation hold notices to relevant custodians; has produced documents in both agreed-upon TIFF and, where required, native format; and has produced documents with metadata as agreed by the parties. Plaintiff's counsel has also instructed Plaintiff to preserve and maintain all relevant documents.

The parties also anticipate jointly proposing a stipulated protective order to the Court governing the handling of confidential information, inadvertent disclosure, and other issues. The parties anticipate that the proposed order will closely reflect protective orders entered in other pending, related litigation.

- F.** There are no further discovery provisions or limitations.

Additional Information: (Please use this space to provide any additional information for any prior questions, noting the number of the question to which you are responding.)

Additional Provisions:

**7. SCHEDULING DEADLINES**

**A. Trial.** This action is set for JURY TRIAL

beginning on: October 3, 2016, at 9:40, a.m., in Aberdeen,  
Mississippi, before United States District Judge Sharion Aycock.

ANY CONFLICTS WITH THIS TRIAL DATE MUST BE SUBMITTED IN WRITING TO  
THE TRIAL JUDGE IMMEDIATELY UPON RECEIPT OF THIS CASE MANAGEMENT  
ORDER.

**B. Pretrial.** The pretrial conference is set on: August 31, 2016, at 1:30, p.m.,  
in Oxford, Mississippi, before United States Magistrate  
Judge S. Allan Alexander.

**C. Discovery.** All discovery must be completed by: May 20, 2016.

**D. Amendments.** Motions for joinder of parties or amendments to the pleadings must be  
filed by: August 21, 2015.

**E. Experts.** The parties' experts must be designated by the following dates:

1. Plaintiff(s): February 19, 2016.

2. Defendant(s): March 21, 2016.

**8. MOTIONS.** All dispositive motions and *Daubert*-type motions challenging another party's expert must be filed by: June 3, 2016. The deadline for motions *in limine* is fourteen days before the pretrial conference; the deadline for responses is seven days before the pretrial conference.

**9. SETTLEMENT CONFERENCE.**

If the parties desire judicial assistance to settle the case after initial discovery, they will contact the Court to request a date for a settlement conference when they have obtained the discovery necessary to make the conference effective.

**10. REPORT REGARDING ADR.** On or before (7 days before FPTC) August 24, 2016, the parties must report to the undersigned all ADR efforts they have undertaken to comply with the Local Rules or provide sufficient facts to support a finding of just cause for failure to comply. *See L.U.Civ.R.83.7(f)(3).*

**SO ORDERED:**

July 21, 2015  
DATE

s/ S. Allan Alexander  
UNITED STATES MAGISTRATE JUDGE